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COMMITTEE ON APPLICATIONS FOR REVIEW OF
ADMINISTRATIVE TRIBUNAL JUDGEMENTS
Forty-second session
Application No. 88

ADMINISTRATIVE TRIBUNAL JUDGEMENT NO. 606: PARAISO AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS

Report of the Committee

Rapporteur: Mr. Michael WOOD (United Kingdom of Great Britain and Northern Ireland)

INTRODUCTION

1. At its forty-second session, the Committee on Applications for Review of Administrative Tribunal Judgements, established under article 11 of the statute of the Administrative Tribunal, considered the application of Mr. Paraiso for a review of Administrative Tribunal Judgement No. 606 - Paraiso v. the Secretary-General of the United Nations.

2. Meetings of the Committee were held on 28 February 1994.

I. COMPOSITION OF THE COMMITTEE AND ORGANIZATION OF THE SESSION

3. The Committee, under paragraph 4 of article 11 of the statute of the Administrative Tribunal, is composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly (forty-eighth session), namely, at this time: Algeria, Bangladesh, Benin, Burkina Faso, Canada, China, Egypt, France, Germany, Grenada, Guatemala, Guyana, India, Iran (Islamic Republic of), Liberia, Liechtenstein, Pakistan, Poland, Republic of Korea, Russian Federation, Slovakia, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zaire and Zambia.

4. At its first meeting, on 28 February 1994, the Committee elected the following officers:

Chairman: Ms. Maria del Lujan Flores (Uruguay)

Rapporteur: Mr. Michael Wood (United Kingdom)

II. THE APPLICATION BEFORE THE COMMITTEE AND ITS CONSIDERATION

5. On 30 September 1994, the Committee received, through its Secretary, an application from Mr. Paraiso requesting a review of Judgement No. 606 rendered by the United Nations Administrative Tribunal on 30 June 1994 in the case of Paraiso against the Secretary-General of the United Nations. The application of Mr. Paraiso did not comply with the requirements set forth in article II, paragraph 2, of the rules of procedure of the Committee. Therefore, as provided for in article III, paragraph 2, of the rules of procedure of the Committee, on 23 October 1993 the application was returned to Mr. Paraiso with a request that it be corrected and resubmitted within three weeks from the date of its return. A corrected application of Mr. Paraiso, dated 12 November 1993, was received by the Secretary of the Committee on 15 November 1993. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in French, was translated into the other languages of the General Assembly. Thereafter, on 20 January 1994, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.253) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/606).

6. Written comments of the Respondent, submitted with respect to the application of Mr. Paraiso in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.254.

7. The Committee considered the application of Mr. Paraiso at its closed meeting held on 28 February 1994.

8. The Committee decided, without a vote, that there was not a substantial basis for the application under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 606 delivered by the United Nations Administrative Tribunal in the case of Paraiso against the Secretary-General of the United Nations.

9. In accordance with article VIII, paragraph 4, of the rules of procedure of the Committee, the decision of the Committee with regard to the application of Mr. Paraiso was formally announced by the Chairman at the meeting of the Committee, held in public on 28 February 1994.

10. At a closed meeting of the Committee held on 28 February 1994, the Chairman briefed its members under the agenda item "Other matters" on the exchange of correspondence in connection with the case of Mr. Abbassène and explained the reasons why that case had not been submitted for the consideration of the Committee. At the suggestion of the Chairman, the Committee decided to take note of the information concerning the case of Mr. Abbassène.